

THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

DAVID HATCHIGIAN AND :
JOAN RANDAZZO :
vs. :
COUNTY OF PHILADELPHIA, : CIVIL ACTION NO. 20-4110
COURT OF COMMON PLEAS :
OF PHILADELPHIA COUNTY, :
CARRIER CORPORATION and :
PEIRCE-PHELPS :

ORDER

BY THE COURT:

J

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EASTERN DISTRICT OF PENNSYLVANIA**

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JOAN RANDAZZO	:	
	:	
vs.	:	CIVIL ACTION NO. 20-4110
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COUNTY OF PHILADELPHIA,	:	
COURT OF COMMON PLEAS	:	
OF PHILADELPHIA COUNTY,	:	
CARRIER CORPORATION and	:	
PEIRCE-PHELPS	:	

**MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)**

Moving Defendant, Peirce-Phelps, LLC, by and through its counsel, James F. Ryan, Esquire, files this Motion to Dismiss pursuant to both F.R.C.P. 12 (b) (1) for lack of subject matter jurisdiction based on the Rooker-Feldman doctrine, and lack of diversity and also pursuant to F.R.C.P. 12 (b)(6), as on the face of Plaintiffs' Amended Complaint, the applicable statutes of limitations have expired.

In addition, plaintiffs' claim under the Magnuson Moss Warranty Act must fail for lack of subject matter jurisdiction as plaintiffs have failed to meet the damages threshold set forth in the Act. Finally, plaintiffs' claims must be barred pursuant to Res Judicata as the allegations set forth in Plaintiffs' Amended Complaint against Peirce-Phelps, LLC have already been litigated and a final Order has been entered.

In support of its Motion, defendant, Peirce-Phelps, LLC incorporates by reference its Memorandum of Law as though fully set forth herein at length. Moving defendant, Peirce-Phelps, LLC, respectfully requests dismissal of Plaintiffs' Amended Complaint, with prejudice.

Respectfully submitted,

LAW OFFICE OF JAMES F. RYAN

By: _____

JAMES F. RYAN
Attorney for Defendant,
Peirce-Phelps, LLC